



# Safety Codes Council

**COUNCIL ORDER NO. 2022-07**

**BEFORE THE ADMINISTRATIVE TRIBUNAL OF THE ELECTRICAL SUB-COUNCIL**

(the "Tribunal")

**ON FEBRUARY 7, 2023**

**IN THE MATTER OF** the *Safety Codes Act*, Revised Statutes of Alberta 2000, Chapter S-1 (the "Act");

**AND IN THE MATTER OF** the refusal to issue a master electrician certificate of competency to [REDACTED] the "Appellant") by the [REDACTED] the "Respondent) (referred to as the "Refusal");

**UPON REVIEWING AND CONSIDERING** the evidence named in **The Record**, including written submissions of the Appellant and Respondent; and **UPON HEARING** the testimony of the parties at the virtual hearing;

**IT IS HEREBY ORDERED THAT** the Refusal is **CONFIRMED**.

**Appearances, Preliminary, Evidentiary, or Procedural Matters:**

1. The hearing for this matter was conducted by virtual means.
2. At the commencement of the hearing, the Coordinator of Appeals confirmed the subject of the appeal as the Refusal, and confirmed the names of those in attendance:
  - a) Appearing for the Appellant, the Tribunal heard from [REDACTED].
  - b) Appearing for the Respondent, the Tribunal heard from [REDACTED].
  - c) Facilitating the hearing on behalf of the Safety Codes Council: [REDACTED] (Coordinator of Appeals).
3. The Coordinator of Appeals then introduced the Chair of the Tribunal (the "Chair"), [REDACTED], and turned the hearing over to the Tribunal.
4. The Chair called the hearing to order and introduced the other Tribunal members: [REDACTED].
5. The Appellant and Respondent confirmed there were no objections to any members of the Tribunal, and that the Safety Codes Council in general and the Tribunal in particular had jurisdiction

to hear and decide the appeal. The Tribunal also confirmed they had jurisdiction to hear and decide this appeal.

6. The Chair then explained the process of the hearing, and advised of the list of the written material before the Tribunal, consisting of the documents listed below in **The Record** (see paragraph 7). The Appellant and Respondent confirmed that there were no objections to any of the material submitted to the Tribunal. The Appellant submitted Exhibit #3 as new evidence during the hearing and the Respondent confirmed that there were no objections, so the new evidence was accepted.

**The Record:**

7. The Tribunal considered, or had available for reference, the following documentation:

<u>Item</u>	<u>Description</u>	<u>Date</u>
i.	Notice of Appeal	December 8, 2022
ii.	Council’s Acknowledgment Letter	December 8, 2022
iii.	Council’s Notification of Hearing Letter	December 12, 2022
iv.	EXHIBIT #1– Appellant’s Appeal Brief	-
v.	EXHIBIT #2– Respondent’s Appeal Brief	-
vi.	EXHIBIT #3 – Appellant (Designated Trade and Restricted Activities Regulation)	-

**Issue:**

8. This appeal concerns the issuance of the Refusal with respect to the master electrician certificate of competency.

**Positions of the Parties:**

Appellant

*From the Appellant’s submissions and testimony, the Appellant’s position is summarized as follows:*

9. The Refusal should be revoked and the Appellant’s experience recognized as meeting the requirement of obtaining a minimum of 3 years of relevant experience in the electrical industry satisfactory to the Administrator as required by section 4(1)(b)(i) of the *Safety Codes Act* Certification and Permit Regulation.

Respondent

*From the Respondent’s submissions and testimony, the Respondent’s position is summarized as follows:*

10. The Refusal should be confirmed as the Appellant’s experience does not meet the requirement of obtaining a minimum of 3 years of relevant experience in the electrical industry satisfactory to the Administrator as required by section 4(1)(b)(i) of the *Safety Codes Act* Certification and Permit Regulation.

### **Summary of the Evidence Provided On Behalf of the Appellant:**

Evidence on behalf of [REDACTED]:

11. The Appellant holds a valid trade certificate in the designated trade of electrician, which was first obtained in May 2016.
12. The Certification and Permit Regulation does not define what is considered relevant experience in the electrical industry for becoming eligible for a master electrician certificate of competency. It only states it must be satisfactory to the Administrator.
13. The Appellant believes he possesses the relevant and equivalent experience of a journeyman electrician and this should be considered with his application; not just the amount of time employed as a journeyman electrician.
14. The Appellant has more than 3 years of experience in the last 5 years related to the electrical industry by studying electrical engineering, volunteering, working as a journeyman electrician, and working as an electrical engineer. (See pages 13-14 in the **Exhibit #1 – Appellant’s Appeal Brief of The Record**).
15. The Appellant spoke about the wide range and amount of experience he has through his apprenticeship, studying electrical engineering, volunteering, working as a journeyman electrician, and working as an electrical engineer and how he has used his journeyman electrician mindset through out these and performed activities that are restricted activities within the designated trade of electrician under the Designated Trade and Restricted Activities Regulation section 43(2).
16. The Appellant believed there were also inconsistencies in how the experience was assessed by the Administrator, specifically employment as a [REDACTED] with [REDACTED] experience was approved but some of the work was almost identical to what was done while employed as an [REDACTED] at [REDACTED] was not approved.
17. The Appellant advised that his application for a master electrician certificate of competency did not include all his relevant, hands-on experience while employed by Eaton. He also had experience building switchgear power systems and motor control centres, using power tools, terminating cables, and supervising multiple people at the manufacturing plant that was not included.

### **Summary of the Evidence Provided On Behalf of the Respondent:**

Evidence on behalf of [REDACTED]:

18. The Respondent indicated that the same standards, with respect to minimum experience requirements, are applied consistently to all applications for a master electrician certificate of competency.
19. [REDACTED] submitted an application for a master electrician certificate of competency on April 30, 2022, which included submitting job description information.
20. On November 14, 2022, a refusal was issued on the grounds that [REDACTED] experience did not meet the criteria as set out in section 4(1)(b)(i) of the Certification and Permit Regulation, which requires the applicant to have ‘in the 5 years preceding the application, obtained a minimum of 3 years of relevant experience in the electrical industry satisfactory to the Administrator’.
21. Experience that is satisfactory to the Administrator is employment as an electrician, using a valid

trade certificate.

22. For the 5 years preceding the application, April 30, 2017 to April 30, 2022, [REDACTED] submitted eight situations to be assessed to determine if he meets the experience requirement (see pages 33 to 35 of **Exhibit #2 – Respondent’s Appeal Brief in The Record**). Two of the situations were determined to be satisfactory, in consultation with the Provincial Technical Administrator at the time for the electrical discipline. This only constituted nine months of experience being satisfactory to the Administrator.

**Findings of Fact:**

*The Tribunal makes the following findings:*

23. The Appellant applied for a master electrician certificate of competency on April 30, 2022.
24. The Certification and Permit Regulation (AR 295/2009) indicates when a master electrician certificate of competency may be issued. The section of the regulation relevant to this hearing is section 4(1)(b)(i). The relevant excerpt is reproduced below:
- 4(1) The Administrator may issue a master electrician certificate of competency to an applicant who
- (b) Has, in the 5 years preceding the application,
- (i) Obtained a minimum of 3 years of relevant experience in the electrical industry satisfactory to the Administrator, or
25. Given the wording in section 4(1)(b)(i) in the Certification and Permit Regulation of ‘satisfactory to the Administrator’, the Respondent has discretion in determining what is considered relevant experience in the electrical industry and this has been interpreted to be employment in the electrical industry that uses a valid trade certificate in the designated trade of electrician. Education is not the same as experience. Experience is practical knowledge or skill derived from living through a situation.
26. In the five years preceding the application, which is April 30, 2017 to April 30, 2022, the Appellant, was employed by [REDACTED] from May 1, 2017 to September 1, 2017 (4 months); [REDACTED] from August 1, 2018 to December 21, 2018 (4 months and 20 days); [REDACTED] from May 6, 2019 to September 6, 2019 (4 months); and [REDACTED] from September 6, 2021 to the date of the application (7 months and 24 days). This is 20.5 months of total employment.
27. Some of the job descriptions the Appellant submitted as part of the application did not contain all the information on the duties that demonstrate he was employed using a valid trade certificate in the designated trade of electrician. Not all the employment in the 20.5 months of total employment contains relevant experience.
28. The Respondent fairly considered the Appellant’s application, consistently applying the standard with respect to the minimum experience requirements.

**Reasons for Decision:**

**29.** On an appeal such as this, the powers of the Tribunal are set out in subsection 52(2) of the *Act*, the relevant excerpt is reproduced below:

52(2) The Council may by order

- (b) confirm a refusal or direct that a designation, certificate or permit be issued and direct inclusion of terms and conditions in the designation, certificate or permit,

**30.** The Refusal was issued pursuant to section 4(1)(b)(i) of the *Safety Codes Act Certificate and Permit Regulation*. The relevant excerpt is reproduced below:

**4(1)** The Administrator may issue a master electrician certificate of competency to an applicant who

- (c) Has, in the 5 years preceding the application,
  - (ii) Obtained a minimum of 3 years of relevant experience in the electrical industry satisfactory to the Administrator, or


**31.** The Tribunal finds, based on the evidence before it, that the Appellant has not obtained a minimum of 3 years of relevant experience in the electrical industry satisfactory to the Administrator, in the 5 years proceeding the application. Accordingly, the master electrician certificate of competency refusal is confirmed.

**32.** A master electrician certificate of competency can only be issued when there is compliance with the Regulation, pursuant to section 4(1)(b).

**33.** The Respondent fairly considered the Appellant's application, consistently applying the standard with respect to the minimum experience requirements.

**34.** The Appellant is encouraged to reapply once he meets the minimum experience requirement. He may wish to consider providing more information for job descriptions so they fully articulate the duties performed under a valid trade certificate in the designated trade of electrician.

Signed at the City of Calgary )  
in the Province of Alberta )  
this 13<sup>th</sup> day of February, 2023 )

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Chair, Administrative Tribunal